

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-111 are currently pending, with Claims 58-111 withdrawn as directed to a non-elected invention. Claims 1-3, 8-16, 21-42, and 47-57 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 3, 10, 12, 14, 21-24, 32, 36, 38, 40, and 47-50 were rejected under 35 U.S.C. §112, second paragraph, regarding various questions of antecedent basis; Claims 1-7, 29-33, and 55-57 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,999,908 to Abelow (hereinafter “the ‘908 patent”); and Claims 8-28 and 34-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘908 patent in view of U.S. Patent 6,578,014 to Murcko, Jr. (hereinafter “the ‘014 patent”).

Regarding the rejection of the claims under 35 U.S.C. §112, Claims 3, 10, 12, 14, 21-24, 36, 38, 40, and 47-50 have been amended to address the antecedent basis questions noted in the Office Action.<sup>1</sup> Accordingly, Applicants respectfully submit that the rejection of the claims under 35 U.S.C. §112, second paragraph, is rendered moot by the present amendment to the claims.

Amended Claim 1 is directed to a merchandize planning and development system, comprising: (1) a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise *through the Internet*; (2) a display unit for displaying the merchandise planning and development information received from the merchandise planning information notice unit *through the Internet*, the display unit further

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<sup>1</sup> However, Applicants note that Claim 32 does not recite a “discount rate” or a “fixed rate,” as stated in the Office Action.

displaying an inquiry input screen for allowing the customers to input opinion information on the merchandise planning and development information; (3) an opinion information collecting unit for collecting the opinion information of the customers inputted from the display unit *through the Internet*; and (4) a merchandise information notice unit for informing the customers of information on merchandise designed according to an analysis of the opinion information, *through the Internet*. Claim 1 has been amended for the purpose of clarification only and no new matter has been added.

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-7) as anticipated by the '908 patent is rendered moot by the present amendment to Claim 1.

The '908 patent is directed to a customer-based product design module configured to interact with customers, gather information from customers, communicate customer information securely to a vendor or an external third party, construct and transmit new pre-programmed interactions to the customer communication system in a product, and analyze and report customer information. In particular, as shown in Figure 2, the '908 patent discloses a system in which users of a product may provide feedback information to the product designers while they are using the product. However, Applicants respectfully submit that the '908 patent fails to disclose (1) a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise *through the Internet*; and (2) a display unit for displaying the merchandise planning and development information received from the merchandise planning information notice unit through the Internet, as recited in amended Claim 1. Rather, the '908 patent discloses that its invention "may be embedded in products or services that contain a microprocessor and a facility for communication."<sup>2</sup> Accordingly, the '908 patent discloses a system in which users input

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<sup>2</sup> See '908 patent, Abstract.

opinions on a product while they are using the product, but does not disclose that many and unspecified customers are informed of merchandise planning and development information through the Internet, as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 (and dependent Claims 2-7) patentably defines over the '908 patent.

Independent Claims 29, 30, and 55-57 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 29, 30, and 55-57 have been amended in a manner analogous to the amendments to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of independent Claims 29, 30, and 55-57 (and all associated dependent claims) are rendered moot by the present amendment to Claims 29, 30, and 55-57.

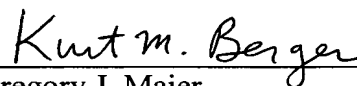
Regarding the rejection of dependent Claims 8-28 and 34-54 under 35 U.S.C. §103(a), Applicants respectfully submit that the '014 patent fails to remedy the deficiencies of the '908 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejection of dependent Claims 8-28 and 34-54 are rendered moot by the present amendment to independent Claims 1 and 30.

Thus, it is respectfully submitted that independent Claims 1, 29, 30, and 55-57 (and all associated dependent claims) patentably define over any proper combination of the '908 and '014 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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